

Mr. Kramer

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GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-196261

June 25, 1980

Mr. Leon Ray Pollick
P.O. Box 833
Stanfield, Oregon 97875

PW [Claim for Waiver of
Erroneously Paid Rations]

Dear Mr. Pollick:

We refer to your letter of May 21, 1980, in which you again request reconsideration of Comptroller General decision B-196261, November 14, 1979. That decision denied your application for a waiver of the Government's claim against you for the recovery of separate rations erroneously paid to you for the periods of October 1, 1975, through March 29, 1976, and April 29, 1976, through June 30, 1976.

You state that your debt should be waived since within 4 months of the time you began to receive the erroneous payments in question you were promoted to E-4, received a pay raise for 3 years' service and a Navy-wide pay increase went into effect. In our letter to you of February 20, 1980, and in our decision of November 14, 1979, we recognized that the above events did occur. As we pointed out to you in our previous correspondence even though those events did occur your pay increased significantly more than you could have reasonably expected. Thus, you should have been on notice that you were receiving overpayments. As such, you had an obligation to pursue the matter until you were furnished a full explanation, and you should have been prepared to refund the overpayments. Therefore, as we have previously stated, you were not without fault so as to permit waiver of your debt.

You also state that it was not until you received our letter of May 8, 1980, that you were informed you were erroneously paid separate rations at the rate of \$2.53 per day for 244 days. In this regard we would like to point out that the basis for the computation of the overpayments was explained in the November 14, 1979 decision.



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We regret that you remain dissatisfied with the decision in your case. Your latest letter, however, does not contain any new or additional evidence which could properly serve as a basis for reversing the previous decision. In addition, further correspondence concerning this matter which does not contain new information not previously considered will serve no useful purpose and will be filed without reply.

Sincerely yours,

~~Edwin J. Monsma~~
Edwin J. Monsma
Assistant General Counsel